

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ORIGINAL

Form To Be Used By A Prisoner in Filing a Complaint

Under the Civil Rights Act, 42 U.S.C. § 1983

2012 JUN 13 AM 10: 54

DEPUTY CLERK

SENRIK WILKERSON 10093432

Plaintiff's name and ID number

LEW STERRETT JAIL North Tower 5-E-7

Place of Confinement

8-1. 2CV-1832K
(Clerk will assign the number)

v.

DALLAS POLICE DEPARTMENT, 1400 S. LAMAR STREET
DALLAS, TEXAS 75215

Defendant's name and address

DETECTIVE MICHAEL B. MCMURRAY 4835

Defendant's name and address

SERGEANT BYRON FASSETT

Defendant

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 3/31/2011
2. Parties to previous lawsuit:
Plaintiff(s) Sennick Wilkerson
Defendant(s) Brocke B. Grena-Robb, Calvin Johnson, Destiny Rae Austin and Det. Michael B. McMurray
3. Court: (If federal, name the district; if state, name the county.) Northern District of Texas (Det)
4. Docket Number: 29
5. Name of judge to whom case was assigned: Judge Jeff Kaplan
6. Disposition: (Was the case dismissed, appealed, still pending?)
dismissed under U.S.C. 1915
7. Approximate date of disposition: 5/18/2011

II. PLACE OF PRESENT CONFINEMENT: Lew Sterrett Jail, North Tower 5-E-7

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Senrick Wilkerson 10093432

North Tower 5-E-7, P.O. Box 660334,
Dallas, Texas 75266

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Dallas Police Department
Jack Evans Headquarters, 1400 S. Lamar Street,
Dallas, Texas 75215

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. I was convicted for sexual assault on CH & sexual performance, CH,

and I was never once arrested or booked into Lew Sterrett Jail

Defendant #2: Det. Michael McMurray (Detective)
1400 S. Lamar Street, Dallas, TX 75215

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. He testified during my trial, knowing that I was never once

arrested or booked into Lew Sterrett Jail on cause SI#1001183 &
F-1001184

Defendant #3: Sergeant Byron Fassett (Sergeant)
1400 S. Lamar Street, Dallas, TX 75215

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. He also testified at my trial, knowing that I was never

arrested for sexual assault on CH & sexual performance on
CH

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I was convicted for F100183 sexual performance on CH & F100184 sexual assault on CH on 12/17/2000, and I was never once arrested and never booked into Lew Sterrett Jail for them. On November 29, 2010, those warrants became active, and on December 3, 2010, those warrants were all removed without any arrest being made, and I was never arraigned on them. The parties that were involved were: Dallas Police Department, due to the fact that the case filing agency is TXDPD on a list on my indictments; Det. Michael B. McMurray, Sergeant Aaron Fasset, State's Prosecutor Brooke B. Grola-Robb and defense attorney Calvin D. Johnson. Please see attachments to give Summary.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like to be immediately exonerated and released from these convictions, and awarded funds for these malicious convictions.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Sennick Shern Wilkerson, Air Sen & Sen

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you. 10093432

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):
2. Case Number: _____
3. Approximate date sanctions were imposed: _____
4. Have the sanctions been lifted or otherwise satisfied?
☐ YES ☐ NO

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case Number: _____
3. Approximate date warnings were imposed: _____

Executed on: _____
DATE

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 11 day of June, 2012.
(Day) (month) (year)

SENRIK WILKERSON 10093432
Senrik Wilkerson
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Attachment For Page #4

1) What happened: I, Senrick Wilkerson, BIN 10093432, was convicted on 12/17/2010, for F-1001183 sexual performance on CH & F-1001184 sexual assault on CH; and I was never once arrested or booked into Lew Sterrett Jail for those charges, and Detective Michael B. McMurray testified during trial, and so did Sergeant Byron Fassett.

2) Where did it happen: My Father went to the Dallas Police Department's 'Open Records Section', and made his attempts on getting a copy of the arrest reports for charges: F-1001182 sexual performance on CH, F-1001183 sexual performance on CH, F-1001184 sexual assault on CH & F-1001185 compelling prostitution, but he was unsuccessful due to someone on staff, telling him that they could not give them to him because they were such high profiled arrest. Unfortunately I was never once arrested by Dallas Police, and never booked into Lew Sterrett Jail on cause numbers F-1001182, F-1001183, F-1001184 & F-1001185. Therefore, I have no idea where they have the apprehension location noted as.

3) When did it happened: On Monday, November 29, 2010, defense attorney Calvin D. Johnson had me call him from a payphone, and he told me that I had picked up four new felony charges. This was told to me while I was out of jail for two years, on a \$25,000.00 bond for cause number F-0860213; then later that evening on 11/29/2010, there were five active warrants for: F-0860213 compelling prostitution Bond forfeiture 'Capias', F-1001182 sexual performance CH, F-1001183 sexual performance CH, F-1001184 sexual assault CH & F-1001185 compelling prostitution; and not once did Dallas Police come to my home, kick down my doors, and break out windows, to arrest me like they did on September 7, 2008. In any event, defense attorney Calvin D. Johnson

had me meet him on Friday, December 3, 2010, at Criminal District Court No. 3. I showed up without being in any custody of Dallas Police and sat inside of the courtroom of the Honorable Judge Gracie G. Lewis, and there was never any mentioning of the new cause numbers F-1001182, F-1001183, F-1001184 & F-1001185. Judge Lewis was handed a document, and as she peruse's over it, she says, "this is in 08!" She signs the document and Mr. Johnson had me follow him to the Clerk's window to sign some documents, with telling me, it was to take off all those warrants. I knew absolutely nothing about how the law worked at the time, so I signed those papers, because I have known attorney Calvin D. Johnson since 1994. We both graduated from Howard Payne University in 1996. Mr. Johnson also neglected to inform me that the State's prosecutor Brooke B. Gona-Robb had already filed new indictments against me on November 24, 2010, while I was out in the world with one charge of Cause number F-0860213. Again, it must be repeated that, at no time was I ever once arrested or booked into Jew Sterrett Jail for cause numbers F-1001182, F-1001183, F-1001184 & F-1001185; but I was convicted on 12/17/2010, for cause's F-1001183 & F-1001184.

4) Who was involved: On the indictments for cause's F-1001183 & F-1001184, the case filing agency is listed as TXDPD0000, which mean that at some point Dallas Police Department had arrested me and books me into the County jail; which again is 100% untrue. Involvements:

A. Dallas Police Department

B. Detective Michael B. McMurray & Sergeant Byron Fassett;


In a Police Affidavit, that is signed by Det. McMurray on Thursday September 4, 2008; It has the case service number of 2373381 for cause F-~~0860213~~, which is the same service number for all causes of F-1001182, F-1001183, F-1001184 & F-1001185,

c. Brooke B. Grana-Robb, the State's prosecutor who filed those new indictments against me on November 24, 2010, then sent me to trial on December 14, 2010, for cause's F-1001183 & F-1001184, knowing that z was never once arrested, never booked into Lew Sterrett Jail and never once arraigned for them. Also, Grana-Robb had me moved out of CDC No. 3, down to the 5th floor, before a visiting Judge Keith Dean on December 13, 2010.

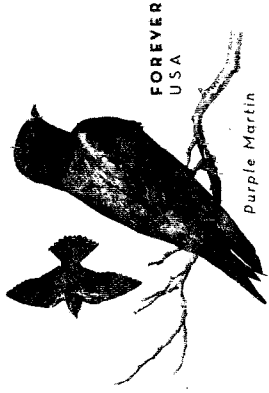
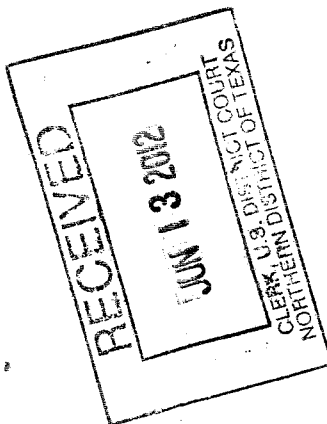
d. Calvin D. Johnson; was my defense attorney and he never brought anything to trial but note book paper and pens, he never subpoena any of the witnesses that z gave him in 2009; he told me that z was going to trial on December 13, 2010, and to avoid repetition, you can refer to item c, because Mr. Johnson knew exactly what the State's prosecutor had planned. Z was just to dumb at that time to realize that, z should have never stood trial for sexual assault on CH F1001184 & sexual performance on CH F-1001183; knowing that z was never once arrested, and never once arraigned for them, but was found guilty without any physical or DNA evidence by a jury of 12, and given 8 years each by Judge Keith Dean.

In sum, I should not have gone to trial and got a conviction for cause numbers F-1001183 & F-1001184. Not only did z commit any of these crimes against Destiny Rae Austin or anyone else, but z was never once arrested, never once booked into Lew Sterrett Jail and never once arraigned for causes: F-1001182, F-1001183, F-1001184 & F-1001185.

U.S. District Courts
1100 Commerce St. Court RM 1452
Dallas, TX 75242

 8 AM

Clerk, U.S. District
Court RM 1452
1100 Commerce St.
Dallas, Texas 75242



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